

## Office of the Secretary of Defense

## § 380.2

President's Foreign Intelligence Advisory Board, the Director of Central Intelligence, other Federal officials, representatives of the legislative branch, members of the public, and representatives of foreign governments, as appropriate, in carrying out assigned functions.

(e) Have complete and unrestricted access to all available intelligence-related information, regardless of classification or compartmentation, from all DoD Components and personnel, as required, in carrying out assigned functions. This includes specifically the authority to:

(1) Require an Inspector General or other cognizant investigative official of a DoD Component to report allegations of improprieties or illegalities of intelligence activities by, or within, a DoD Component; and

(2) Obtain information on the status, proceedings, and findings or to obtain copies of reports of investigations of such allegations.

(f) Deal directly with the head of the element inspected or investigated, conduct interviews, take depositions, and examine records incident to an inspection or investigation of any DoD Component, as required, in carrying out assigned functions.

### PART 380—DIRECTOR OF OPERATIONAL TEST AND EVALUATION

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AUTHORITY: 10 U.S.C. 136.

SOURCE: 49 FR 17937, Apr. 26, 1984, unless otherwise noted.

#### § 380.1 Purpose.

This part:

(a) Implements section 136a of title 10 U.S.C. which establishes the position of Director of Operational Test and Evaluation (Director, OT&E).

(b) Assigns responsibilities, functions, relationships, and authorities, as prescribed herein, to the Director, OT&E, pursuant to the authority vest-

ed in the Secretary of Defense under title 10 U.S.Code.

#### § 380.2 Definitions.

(a) *DoD Components*. The Office of the Secretary of Defense (OSD); the Military Departments; the Organization of the Joint Chiefs of Staff (OJCS); the Unified and Specified Commands; the Office of the Inspector General, Department of Defense; and the Defense Agencies. The term "Military Services" as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

(b) *Independent Test Agency*. The Army Operational Test and Evaluation Agency, the Navy Operational Test and Evaluation Force, the Air Force Operational Test and Evaluation Command, and the Marine Corps Operational Test and Evaluation Agency.

(c) *Low Rate Initial Production (LRIP)*. The production of a system in limited quantity to be used in OT&E for verification of production engineering and design maturity and to establish a production base.

(d) *Major Defense Acquisition Program*. As specified in section 136a of title 10 U.S.Code.

(1) A DoD acquisition program that is not a highly sensitive classified program (as determined by the Secretary of Defense) and:

(i) That is designated by the Secretary of Defense as a major defense acquisition program; or

(ii) That is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than 200 million dollars (based on fiscal year 1980 constant dollars) or an eventual total expenditure for procurement of more than 1 billion dollars (based on fiscal year 1980 constant dollars).

(2) A DoD acquisition program that is so designated by the Director, OT&E, for the purpose of carrying out the responsibilities, functions, and authorities of this Directive.

(e) *Operational Test and Evaluation*. The field test, under realistic combat conditions, of any item of (or key component of) weapons, equipment, or munitions for the purpose of determining the effectiveness and suitability of the

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weapons, equipment, or munitions for use in combat by typical military users; and the evaluation of the results of such test.

#### § 380.3 Policy.

(a) Within the Department of Defense it is recognized that operational testing is the continuum of realistic, operational field tests conducted by a Military Service independent test agency. Operational testing begins during the development period before a final decision to proceed beyond low rate initial production. This continuum of tests will employ increasing operational realism as engineering design nears its final form to provide an independent measure of development progress and of the ultimate operational effectiveness and suitability of weapon systems, equipment, or munitions, or their components. Operational testing of production (or production-representative) articles is intended to confirm that the items actually tested are effective and suitable for combat.

(b) A follow-on phase or phases of operational testing on production systems, equipment, or munitions, or their components are normally conducted after the decision is made to proceed beyond low rate initial production to assess the operational effectiveness and suitability of any changes made in the systems, equipment, or munitions, or their components.

#### § 380.4 Responsibilities.

The *Director of Operational Test and Evaluation* shall serve as the Principal Staff Assistant and advisor to the Secretary of Defense on OT&E in the Department of Defense and the principal OT&E official within the senior management of the Department of Defense. In this capacity, the Director, OT&E, shall:

(a) Prescribe policies and procedures for the conduct of OT&E within the Department of Defense.

(b) Provide advice and make recommendations to the Secretary of Defense, and issue guidance to and consult with the heads of the DoD Components with respect to OT&E in the Department of Defense in general, and with respect to specific OT&E to be

conducted in connection with a major defense acquisition program.

(c) Designate selected special interest weapons, equipment, or munitions as major defense acquisition programs, as the Director, OT&E considers appropriate to carry out section 136a of title 10 U.S.C. and the responsibilities functions, and authorities assigned to the Director, OT&E under this part. Such a designation applies exclusively to the implementation of section 136a of title 10 U.S.C. and this part, and does not extend to other purposes for which the term may be used outside of this context.

(d) Develop systems and standards for the administration and management of approved OT&E plans for major defense acquisition programs.

(e) Monitor and review all OT&E in the Department of Defense to ensure adherence to approved policies and standards.

(f) Coordinate operational testing conducted jointly by more than one DoD Component.

(g) Coordinate Joint Operational Test and Evaluation (JOT&E) programs to obtain information pertinent to operational doctrine, tactics, and procedures.

(h) Initiate plans, programs, actions, and taskings to ensure that OT&E for major defense acquisition programs is designed to evaluate the operational effectiveness and suitability of U.S. military weapon systems.

(i) Review and make recommendations to the Secretary of Defense on all budgetary and financial matters relating to OT&E, including operational test facilities and equipment.

(j) Review and report to the Secretary of Defense on the adequacy of operational test planning, priorities, support resources, execution, evaluation, and reporting for major defense acquisition programs while avoiding unnecessary duplication.

(k) Promote coordination, cooperation, and mutual understanding within the Department of Defense and between the Department of Defense and other federal agencies, state, local and foreign governments, and the civilian community with regard to OT&E matters.

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(l) Serve on boards, committees, and other groups pertaining to assigned OT&E, and represent the Secretary of Defense on OT&E matters outside the Department of Defense.

(m) Execute such other related responsibilities as the Secretary of Defense may prescribe.

### § 380.5 Functions.

The Director, OT&E, shall carry out the responsibilities described in § 380.4, above, for all aspects of OT&E, to include the following functions:

(a) OT&E programs of the DoD Components, to include their operational test facilities and resources and the coordination of Military Service OT&E activities.

(b) JOT&E programs and Joint Military Service operational testing.

(c) Analysis of OT&E results on all major defense acquisition programs.

(d) Review of budget submissions to determine the adequacy of OT&E funding.

(e) Approval of OT&E sections of the DoD Test and Evaluation Master Plan (TEMP) for major defense acquisition programs.

(f) Review of new major system requirements documents, system concept papers, decision coordinating papers and, if appropriate, integrated program summaries for OT&E implications.

(g) Enhancement of operational test realism.

(h) Development and administration of an OT&E data base.

### § 380.6 Relationships.

(a) In the performance of assigned functions, the Director, OT&E, shall:

(1) Report directly to the Secretary and Deputy Secretary of Defense without intervening review or approval.

(2) Provide guidance to and consult with the Secretary and Deputy Secretary of Defense and the Secretaries of the Military Departments with respect to OT&E in the Department of Defense in general and with respect to specific OT&E activities to be conducted in connection with major defense acquisition programs.

(3) Coordinate and exchange information with officials of DoD Components exercising collateral or related functions. In particular, the Director,

OT&E, shall consult closely with, but be independent of, the Under Secretary of Defense for Research and Engineering.

(4) Use existing facilities and services of the Department of Defense or other federal agencies, and allied countries whenever practicable, to avoid duplication and to achieve maximum realism.

(5) Serve as a permanent member of the Defense Systems Acquisition Review Council and the Defense Resources Board for the purpose of carrying out the principles and policies of DoD Directive 5000.1 and DoD Instruction 5000.2 and DoD Directives System issuances pertaining to test and evaluation activities.

(b) Other OSD officials and heads of DoD Components shall coordinate on all OT&E matters as prescribed herein.

(c) The Secretaries of the Military Departments shall report promptly to the Director, OT&E, the results of all OT&E conducted by the Military Departments and on all studies conducted by the Military Departments in connection with their OT&E activities.

### § 380.7 Authorities.

The Director, OT&E, is hereby delegated authority to:

(a) Issue DoD Instructions, DoD publications, and one-time directive-type memoranda, consistent with DoD Directive 5025.1-M that implement policies approved by the Secretary of Defense in order to carry out the functions assigned to the Director, OT&E. Instructions to the Military Departments shall be issued through the Secretaries of those Departments or their designees. Instructions to Unified and Specified Commands shall be issued through the JCS.

(b) Obtain reports, information, advice, and assistance, consistent with DoD Directive 5000.19 as necessary in carrying out assigned functions. Have access to all records and data in the DoD (including those of each DoD Component) that the Director, OT&E, considers necessary to review in order to carry out assigned functions.

(c) Act as prior approval authority for OT&E section of the TEMPS and for OT&E funding for each major defense acquisition program. Operational testing of a major defense acquisition

program may not be conducted until the Director, OT&E, has approved in writing the adequacy of the plans, including the adequacy of projected levels of funding and resources for OT&E to be conducted in connection with that program.

(d) Require, as the Director, OT&E, determines necessary, that observers designated by the Director, OT&E, be present during the preparation for and the conduct of the test part of any OT&E conducted by DoD Components.

(e) Monitor and review all OT&E conducted in the Department of Defense and analyze the results of OT&E conducted for each major defense acquisition program.

(1) The Director, OT&E, shall submit a report to the Secretary of Defense and to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives that addresses specifically:

(i) The adequacy of the test and evaluation performed; and

(ii) Whether the results confirm the effectiveness and combat suitability of the items or components actually tested.

(2) Copies of the report will be provided to appropriate DoD officials and Components to facilitate the development of comments by the Secretary of Defense.

(3) A final decision to proceed with a major defense acquisition program beyond low rate initial production may not be made until the report has been submitted to the Secretary of Defense and received by the Armed Services and Appropriations Committees.

(f) Prepare an annual report for the Secretary of Defense and the Congress by January 15 of each year summarizing the OT&E activities of the Department of Defense during the preceding fiscal year.

(1) The report shall include such comments and recommendations as the Director, OT&E, considers appropriate, including comments and recommendations on resources and facilities available for OT&E and levels of funding made available for OT&E activities.

(2) Copies of this report shall be provided to appropriate DoD officials and Components to facilitate comments by the Secretary of Defense, if desired.

(g) Communicate directly with the heads of DoD Components. Communications to commanders of the Unified and Specified Commands shall be coordinated with the JCS.

(h) Arrange for DoD participation in nondefense governmental programs for which the Director, OT&E, is assigned primary DoD cognizance.

(i) Communicate with other government agencies, representatives of the Legislative Branch, and members of the public, as appropriate, in carrying out assigned functions.

## PART 381—DEFENSE NUCLEAR AGENCY

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### APPENDIX TO PART 381—DELEGATIONS OF AUTHORITY

AUTHORITY: 10 U.S.C. chapter 8.

SOURCE: 56 FR 6274, Feb. 15, 1991, unless otherwise noted.

#### §381.1 Purpose.

This part updates the responsibilities, functions, relationships, and authorities, as prescribed herein.

#### §381.2 Mission.

(a) The Defense Nuclear Agency (DNA) shall provide support to the Office of the Secretary of Defense (OSD); the Military Departments; the Chairman, Joint Chiefs of Staff and Joint Staff; the Unified and Specified Commands; the Defense Agencies; and the DoD Field Activities (hereafter referred to collectively as “DoD Components”); and other Federal Agencies on matters concerning nuclear weapons, nuclear weapons system acquisitions, nuclear weapons effects on weapons systems and forces, and nuclear weapons safety and security.

(b) During wartime and international crises, in accordance with national priorities and, as directed by the Director, Defense Research and Engineering (DDR&E), the DNA shall redirect its resources to support the Chairman,